

FILED

JUL 02 2013

DAVID CREWS, CLERK
BY Deputy

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**SHIRLEY COTTON AS THE ADMINISTRATRIX
OF THE ESTATE OF IDA ROBERSON, DECEASED
AND ON BEHALF OF HER HEIRS AND
WRONGFUL DEATH BENEFICIARIES**

PLAINTIFFS

VS.

NO. 3:13-CV-169-MPM-SAA

**GGNSC BATESVILLE, LLC D/B/A
GOLDEN LIVING CENTER BATESVILLE; GGNSC
ADMINISTRATIVE SERVICES, LLC; GOLDEN
LIVING; GOLDEN LIVING-CENTER; AND
GOLDEN LIVING**

DEFENDANTS

NOTICE OF REMOVAL

COME NOW Defendants GGNSC Batesville, LLC d/b/a Golden Living Center Batesville and GGNSC Administrative Services, LLC (hereinafter "Defendants")¹ by and through counsel, and file this their Notice of Removal of this action to the United States District Court for the Northern District of Mississippi, Western Division, and set forth the following grounds for removal, to-wit:

1. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.
2. Plaintiff Shirley Cotton, as the Administratrix of the Estate of Ida Roberson, deceased and on behalf of her heirs and wrongful death beneficiaries ("Plaintiff") filed this action against Defendants on or about May 22, 2013 in the Circuit Court of Panola County, Mississippi, Second Judicial District. Defendants were served

¹ No entities named "Golden Living" or "Golden Living Center" exist aside from the two remaining defendants. Accordingly, all parties have joined in this removal notice.

with process on June 7, 2013. Pursuant to the provisions of §§ 1441 and 1446 of Title 28 of the United States Code, Defendants timely remove this action to the United States District Court for the Northern District of Mississippi, Western Division, which is the judicial district and division in which the action is pending.

2. The complaint asserts a claim for damages based upon alleged negligence, medical malpractice and deviations from the standard of care at GGNSC-Batesville in regard to long term care provided to Ida Roberson, deceased.

3. Plaintiff was at the time of the commencement of the action a citizen of the State of Mississippi. According to the Complaint Plaintiff represents that Defendants are not organized and existing under the laws of the State of Mississippi and that their principal places of business are in Ft. Smith, Arkansas, respectively. There is complete diversity of citizenship, therefore, between the Defendants and Plaintiff.

4. Removal of this action to the United States District Court is proper under 28 U.S.C. § 1441(a) and (b), given that there is complete diversity of citizenship between Plaintiff and the Defendants GGNSC-Batesville, LLC and GGNSC Administrative Services, LLC, as the Defendants are not citizens of the State of Mississippi. The United States District Court would, therefore, have had original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 had the action originally been filed in Federal Court. Defendants' Notice of Removal is timely because the Notice was filed in this Court within thirty (30) days after receipt by the Defendants "of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. . . ". 28 U.S.C. § 1446(b). Defendants file a copy of all process, pleadings and orders served on said Defendants in the action.

WHEREFORE PREMISES CONSIDERED, Defendants GGNSC-Batesville, LLC and GGNSC Administrative Services, LLC pray that this Court will exercise jurisdiction and proceed with the handling and disposition of this case, and all claims asserted herein, and that all further proceedings in the Circuit Court of Panola County, Mississippi, Second Judicial District be hereby stayed.

Respectfully submitted this the 2 day of July, 2013.

**GGNSC-BATESVILLE, LLC AND GGNSC
ADMINISTRATIVE SERVICES, LLC,
Defendants**

By: 

L. BRADLEY DILLARD
Mississippi Bar No. 10114

OF COUNSEL:

MITCHELL, McNUTT & SAMS, P.A.
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(662) 842-3871 (telephone)
(662) 842-8450 (facsimile)

CERTIFICATE OF SERVICE

I, L. BRADLEY DILLARD, one of the attorneys for Defendants GGNSC-Batesville, LLC and GGNSC Administrative Services, LLC do hereby certify that I have this date forwarded, via United States Mail, postage prepaid thereon, a true and correct copy of the above and foregoing Notice of Removal to the following counsel:

Peter Gee, Esq.
Morgan & Morgan
One Commerce Square, 26th Floor
Memphis, TN 38103

THIS the 2 day of July, 2013.

A handwritten signature in black ink, appearing to be 'L. Bradley Dillard', written over a horizontal line.

L. BRADLEY DILLARD